

Article - Environment

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§4-417.

(a) Any person who violates any provision of this subtitle, or any rule, regulation, order, or permit issued pursuant thereto, shall be liable for a penalty not exceeding \$25,000 for the violation, which may be recovered in a civil action, and the person may be enjoined from continuing the violation, as provided by this subtitle. Each day upon which the violation occurs constitutes a separate offense.

(b) Any person who violates any of the provisions of, or who fails to perform any duty imposed by, this subtitle, or any regulation or order issued under it, or the provisions of any permit of the Department made pursuant to this subtitle is guilty of a misdemeanor, and upon conviction, is subject to a fine not exceeding \$50,000 or by imprisonment not exceeding one year, or both, and, in addition, may be enjoined from continuing the violation. If the conviction is for a violation committed after a first conviction of the person under this subsection, punishment shall be by a fine of not more than \$50,000 per day of violation or by imprisonment not exceeding two years or both, and in addition, the person may be enjoined from continuing the violation. Each day upon which a violation occurs constitutes a separate offense.

(c) Any person who knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained under this title, or by any permit, rule, regulation or order issued under this title, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required to be maintained under this title or by any permit, rule, regulation, or order issued under this title, upon conviction, is subject to a fine not exceeding \$10,000, or by imprisonment not exceeding six months or both.

(d) In addition to any other remedies available at law or in equity, a civil penalty may be assessed for violation of any provisions of this subtitle, or rules, regulations, orders or permits issued pursuant thereto. The penalty may be assessed by the Secretary of the Environment, or a hearing officer designated in writing by the Secretary, after an opportunity for a hearing which may be waived in writing by the person accused of a violation. The civil penalty assessed shall be up to \$10,000 for each day of violation, not exceeding a total sum of \$100,000; consideration shall be given to the willfulness of the violation; to the damage or injury to the waters of the State or the impairment of its uses; to the cost of clean-up; to the nature and degree of injury to or interference with general welfare, health, and property; to the suitability of the waste source to its geographic location, including priority of location; to the available technology and economic reasonableness of controlling, reducing, or

eliminating the waste; and other relevant factors. It is payable to the State and collectible in any manner provided at law for the collection of debts. If any person liable to pay the penalty neglects or refuses to pay it after demand, the amount, together with interest and any costs that may accrue, shall be a lien in favor of the State upon the property, both real and personal, of the person and shall be recorded in the clerk of court's office for the political subdivision in which the property is located. Except for penalties collected for violations of Section 4-413 of this subtitle, moneys shall be placed in the Maryland Oil Disaster Containment, Clean-Up and Contingency Fund under Section 4-411(f) of this subtitle.

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